

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

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REPLY COMMENTS OF EAST SIDE COMMUNITY ACCESS
IN THE FOURTH FURTHER NOTICE OF PROPOSED RULEMAKING
AND THIRD NOTICE OF INQUIRY

To The Commission:

East Side Community Access submits these reply comments in response to the Fourth Further Notice of Proposed Rulemaking/ Third Notice of Inquiry, FCC 95-315, in the above-captioned proceeding, released August 9, 1995. The Commission seeks comments on under what terms and conditions free over-the-air broadcasting should make a transition from analog to digital technology. East Side Community Access urges the Commission to regulate the transition to advanced broadcast television technology ("ATV") in the public interest.

East Side Community Access is an nonprofit organization that has been providing public, educational, and governmental access since 1976. Located in one of our local high schools we provide many opportunities for students to become involved in the field of television. Our programming includes coverage of local public meetings, various programs produced by community members, live coverage of school events, local community college telecourses, educational satellite tele-conferences, and a community bulletin board.

My public/educational/governmental access center transmits this programming on our local cable system, pursuant to the franchise agreement between TCI Cable Systems of Illinois and the City of East Peoria, City of Washington, and the Village of Creve Coeur, Illinois, and the federal 1984 Cable Act. Our volunteer producers are associated with a wide range of religious, community, educational, charitable, and other non-commercial, non-profit institutions. These organizations use our public/educational/governmental access center and the facilities we provide to speak to their memberships and their larger communities and participate in an ever-growing "electronic town hall." A list of organizations that regularly use our facility is attached as Exhibit A. We believe that the tremendous resources of the Information Age should be made available to all communities, including those communities that otherwise would have insufficient means to participate in this technological revolution.

The development of ATV may offer the most significant opportunity since the birth of television to make the mass media more responsive to local needs and non-commercial voices. The broadcasting industry, however, sees this as an opportunity to receive \$70 billion worth of federally-owned electromagnetic spectrum for free. The industry wants to use this valuable additional capacity for a number of lucrative subscriber services, including data transmission, communications services and

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subscription video services. We believe that the spectrum should be used to enhance both the quantity and quality of local educational, political, cultural, public affairs, and non-commercial programming.

This tremendous augmentation of broadcast capacity could easily provide a platform for existing public/educational/ governmental and low-power television stations to broadcast local programming; it could also assure a free place for political candidates, quality childrens' programming, "distance learning" programs offered through high schools and universities, and local theater and musical performances. The Commission could impose a license fee approaching fair market value for broadcasters' use of the spectrum, and require that some channel space be put aside for non-commercial purposes. Auctions, quasi-auctions, "condominium" and "quasi-common carriage" proposals will permit incumbent broadcasters to have unfettered access to a digital broadcast platform while allowing the federal government to collect much-needed revenue. A portion of the license fees could be used to fund local non-commercial programming on these public interest channels.

We are also concerned that the industry wants to develop ATV under anti-competitive, cartel-like conditions, by initially prohibiting any non-broadcaster from receiving an ATV license. We do not see why this is necessary. Diversity of programming and diversity of ownership have both been long-standing public policy goals of the Commission. Neither is served by imposing this entry barrier on ATV. This limitation will reduce the number of voices on the air, and like other market-entry barriers, will create substantial inefficiencies for potential subscribers and advertisers.

We at East Side Community Access urge the Commission to recognize the interests of the educational, charitable, and civic sector as it devises telecommunications policy for the 21st century, and to implement advanced television in a manner that sustains and nurtures what is best in America -- its churches, its schools, its local institutions, and its charitable organizations.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Mark Lasswell", written over a horizontal line.

Mark Lasswell, Director
East Side Community Access
1401 E. Washington Street
East Peoria, IL 61611

EXHIBIT "A"

Abbas Grotto
Air Force, United States
All Saints Greek Orthodox Church
Alzheimer's Disease
American Cancer Society
American Diabetes
American Holistic Nurses Association
American Legion Post 983
American Space Network
Armstrong Parent Group
Bethel Memorial United Church of Christ
Blue Grass Music Fest
Boy Scouts of America
Boys Club Of Pekin
Campus Community Theatre Of Pekin
Caterpillar Stamp Club
Catholic Social Service
Central Illinois Center for Independent Living
Central Illinois Constitutional Caucus
Central Illinois Riding Therapy
Central Junior High School
China Art Guild
Church of Scientology of Peoria
Community Action Agency, Peoria
Creve Coeur, Village of
Creve Coeur Community Center
Creve Coeur Fire-Rescue Dept.
Creve Coeur Public Schools District 76
Creve Coeur Village Board
DVP Learning Center Of Peoria
Eastlight Theatre
East Peoria Fire Department
East Peoria, City of
East Peoria - Creve Coeur Ministerial Association
East Peoria Chamber of Commerce
East Peoria Christian Singles
East Peoria Community Baseball
East Peoria Community High School
East Peoria Education Association
East Peoria Elementary District 86
East Peoria Festival of Lights
East Peoria Girls Softball Inc.
East Peoria Is Concerned
East Peoria Postal Employee Involvement Team
East Peoria Republican Women's Club
East Peoria School District 86

East Peoria Soccer Club
East Peoria VFW Post 2078
East Side Center, Sporting Complex
First United Methodist Church
Fondulac Democrat Club
Fondulac Park District
Galesburg L5, Heart of Illinois Ultralight Club
Heartland D.A.R.E.
Heartland Water Resources Council
Illinois Department Employment Service, Peoria
Illinois Association of Teachers of English
Illinois Central College
Illinois Valley Libertarian Association
Illinois Valley Library System
Illinois Valley Wheelman
John Birch Society
John Keetes Society
Methodist Medical Center
Morton Public Schools District 709
National Socialist White American's Party
Nutritional Consultants
Peoria L5 Chapter of the National Space Society
Peoria Public Library
Raider TV Club
River Valley Speech Associates
Saint Marks Lutheran Church
Seniors In Need
Sweet Creations
Tazewell Country Republican Central Committee
Tazewell Republican Party
The Children's Home Association
Tri-Country Regional Planning Commission
U.A.W. Local 974
Unions Work
Washington, City of
Washington Chamber of Commerce
Washington Community High School Dist. 308
Washington Community High School District 308
Washington District 50 Schools
Washington Historical Society
Washington School District 52 - Lincoln School
WCHS TV Production Club